

CITY OF HOBOKEN
Subdivision & Site Plan Review

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RE: SUBDIVISION & SITE PLAN REVIEW : October 12, 2016
COMMITTEE OF THE HOBOKEN PLANNING :
BOARD OF THE CITY OF HOBOKEN : 7:06 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie
Commissioner Ryan Peene

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

Andrew R. Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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1 CHAIRMAN HOLTZMAN: Okay. Good
2 evening, everybody. We are going to get started.

3 It is Wednesday, October 12th, at 7:06
4 p.m. This is the Hoboken Planning Board SSP
5 Completion Meeting.

6 I would like to advise all of those
7 present that notice of this meeting has been
8 provided to the public in accordance with the
9 provisions of the Open Public Meetings Act, and that
10 notice was published in The Jersey Journal and on
11 the city's website. Copies were also provided to
12 The Star-Ledger, The Record, and also placed on the
13 bulletin board in the lobby of City Hall.

14 Pat, please call the roll.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner McKenzie?

20 COMMISSIONER MC KENZIE: Here.

21 MS. CARCONE: And Commissioner Peene?

22 COMMISSIONER PEENE: Here.

23 CHAIRMAN HOLTZMAN: Thank you.

24 Mr. Matule, do we have the same team
25 for two of these?

1 MR. MATULE: Yes. Mr. Minervini is the
2 architect on both projects.

3 CHAIRMAN HOLTZMAN: So then let's
4 dispatch with our friends at 736 Washington first.

5 (Continue on the next page)

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CITY OF HOBOKEN
 Subdivision & Site Plan Review
 HOP-16-23

- - - - - X
 RE: 736 WASHINGTON STREET : October 12, 2016
 Block 206, Lot 26 :
 APPLICANT: IPRESS, LLC : 7:10 p.m.
 Conditional Use Permit for Retail :
 Business serving organic offerings :
 - - - - - X

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 Hoboken, New Jersey

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(732) 364-3011
Attorney for the Board.

1 CHAIRMAN HOLTZMAN: 736 Washington.

2 MS. CARCONE: Oh, you have to go over
3 there.

4 CHAIRMAN HOLTZMAN: No problem.

5 MR. GALVIN: Nice try, but I like the
6 confidence, though. Law school is in your future,
7 Dude.

8 (Laughter)

9 MR. SZCZESNY: I do my time.

10 CHAIRMAN HOLTZMAN: Good evening.

11 MR. SZCZESNY: Good evening.

12 My name is Mike Szczesny.

13 CHAIRMAN HOLTZMAN: Okay.

14 MR. SZCZESNY: And I am here to
15 basically apply for a conditional change of use at
16 736 Washington.

17 CHAIRMAN HOLTZMAN: Are you the
18 applicant?

19 MR. SZCZESNY: I am the applicant.

20 CHAIRMAN HOLTZMAN: Are you represented
21 by counsel at all?

22 MR. SZCZESNY: I am not.

23 MS. CARCONE: Well, you filed -- you
24 have an attorney on your application.

25 VICE CHAIR MAGALETTA: Yes, Mr.

1 Mahoney.

2 MR. SZCZESNY: Yes, sir.

3 CHAIRMAN HOLTZMAN: And he is not here
4 this evening?

5 MR. SZCZESNY: No, sir. I was not sort
6 of advised to bring an attorney. I thought this was
7 a workshop in which we will talk about conditional
8 change of use and explain exactly what we propose to
9 do.

10 CHAIRMAN HOLTZMAN: Okay. I don't
11 think it is a huge lip, but, Mr. Galvin?

12 MR. GALVIN: I don't have any problem.
13 I think we should tell him what is deficient, and
14 let him go back to his attorney and figure it out.

15 CHAIRMAN HOLTZMAN: Okay.

16 MR. GALVIN: Did you talk to Mr.
17 Mahoney about him having to be here or not having to
18 be here?

19 MR. SZCZESNY: I was not advised that
20 my attorney had to be present at this time.

21 MR. GALVIN: See, usually when I have a
22 client, I usually tell them what has to happen.

23 MR. SZCZESNY: Right.

24 MR. GALVIN: So, okay.

25 Listen, I think it is real simple. I

1 think if we have some suggestions as to what is
2 deficient in this application, I think we should
3 tell this person and see what happens.

4 CHAIRMAN HOLTZMAN: We'll see what
5 happens.

6 MR. GALVIN: Right. Like you said, it
7 is only an --

8 CHAIRMAN HOLTZMAN: Yes, and we are
9 going to try to keep it simple.

10 MR. SZCZESNY: Feel free to lay it on
11 me, too. I have been doing the research, too.

12 CHAIRMAN HOLTZMAN: Not to worry.

13 (Laughter)

14 We received the application. Our
15 professionals provided us with review letters.

16 Did you folks get a copy of those
17 review letters?

18 MR. SZCZESNY: I did.

19 CHAIRMAN HOLTZMAN: Okay.

20 So, Dave, do you want to start us off
21 here?

22 MR. ROBERTS: Yes. I think this is a
23 conditional use application for a restaurant, so the
24 three conditions, I think we spelled out in the
25 letter. What we talked about was that there were a

1 number of waivers, one of which is a survey --

2 CHAIRMAN HOLTZMAN: Hang on a second.

3 So you have to make sure that you are
4 taking really good notes or some of the other folks
5 on your team are taking really good notes, or you
6 are going to need to probably also get a copy of
7 this hearing afterwards, so that you can make sure
8 that you get this all buttoned up.

9 MR. HIPOLIT: He has our letters?

10 MR. SZCZESNY: I do.

11 CHAIRMAN HOLTZMAN: He said he did.

12 MR. ROBERTS: I think one of the
13 reasons we have to, in order to confirm, one of the
14 conditions is that there not be more than 1000
15 square feet, and that's the customer area, not the
16 while area --

17 MR. SZCZESNY: Correct.

18 MR. ROBERTS: -- and I think we pointed
19 out, if this is the right one, there was a notice of
20 a cellar there.

21 MR. SZCZESNY: A cellar?

22 MR. ROBERTS: If it was in the letter,
23 I don't remember. There were two of them, and one
24 of them had a cellar.

25 MR. SZCZESNY: There is a basement,

1 yes.

2 MR. ROBERTS: There is not much shown
3 on the floor plans. The floor plans don't have
4 dimensions on them, and that is why we can't confirm
5 the square footage, but that is all spelled out in
6 the letter.

7 MR. SZCZESNY: There is 736 square
8 footage for the customer service area on the ground
9 floor. It is indicated -- I am not sure if you are
10 able to see it on those forms, but it is there under
11 the building line items.

12 MR. ROBERTS: Right.

13 One of the things we pointed out is
14 that we didn't have a survey or a zoning table, so
15 that means it wasn't calculated by someone ahead of
16 time, so we couldn't tell the Board exactly how, and
17 whether you conformed or not, so that's basically
18 the main thing that we are missing.

19 CHAIRMAN HOLTZMAN: Can we address the
20 survey issue and whether we would really need it in
21 this case or not?

22 Can you go through that for him, Dave?

23 MR. ROBERTS: Well, I wouldn't go
24 through it specifically, but we basically said there
25 was no survey or table. It might be easier for you

1 to do the table.

2 MR. SZCZESNY: Agreed.

3 MR. ROBERTS: You know, we just need to
4 be able to confirm that you comply with those
5 conditions, because they are conditions for a
6 restaurant --

7 MR. SZCZESNY: Okay.

8 MR. ROBERTS: -- if it was any other
9 type of retail use, it would be still be required,
10 but it wouldn't be a condition.

11 MR. SZCZESNY: Sure.

12 May I comment on the conditional use of
13 the term "restaurant"?

14 I am proposing to create and produce
15 cold pressed juices in the basement, and we are
16 also going to be offering essential oils and other
17 accessories.

18 There will be no cooked food, no need
19 for any vents or anything like that, but I
20 understand the classification.

21 MR. ROBERTS: Right.

22 I mean, one of the things we noted is
23 that the application said "retail," but it appeared
24 it was going to be a restaurant, and there is a
25 difference the way the code treats it.

1 MR. SZCZESNY: How would you guys
2 treat that? I'm just curious.

3 MR. GALVIN: Is it just juice?

4 MR. SZCZESNY: Cold pressed juice,
5 smoothies, essential oils, and other accessories,
6 such as organic accessories.

7 CHAIRMAN HOLTZMAN: Yes, just slow
8 down.

9 VICE CHAIR MAGALETTA: But the question
10 is: Will it be processed on site, or is it being
11 delivered?

12 MR. SZCZESNY: The benefit of it is
13 that everything is going to be processed on site and
14 made to grab and go.

15 CHAIRMAN HOLTZMAN: Let's be specific
16 about the processing. Are we just talking about the
17 juice?

18 VICE CHAIR MAGALETTA: That is what I
19 am trying to find out exactly, because it's a
20 question I think, it is retail, if it's getting
21 delivered, and you just sell it, as opposed to it
22 comes here and we make it and we create it.

23 You said there is no cooking, but will
24 there be microwaves or anything like that?

25 MR. SZCZESNY: No microwaves on the

1 premises. There will be blenders and a cold pressed
2 juice manufacturing piece of equipment to make the
3 juice.

4 MR. HIPOLIT: In the basement is that
5 stuff?

6 MR. SZCZESNY: Correct.

7 CHAIRMAN HOLTZMAN: So the things that
8 you will do on site are pretty much the juices and
9 smoothies?

10 MR. SZCZESNY: Correct.

11 CHAIRMAN HOLTZMAN: Is it more than
12 that?

13 MR. SZCZESNY: To be perfectly honest
14 with you, at some point --

15 CHAIRMAN HOLTZMAN: That would always
16 be a great place to start.

17 (Laughter)

18 MR. SZCZESNY: -- for the first year, I
19 expect it to start out with cold pressed juice and
20 essential oils and herbal teas.

21 However, if you look at the trend in
22 the industry, and you look at what some of these
23 stores are offering, they may offer some salads.
24 They may offer some healthy granola bars or oatmeal.
25 That is something I was thinking of doing as time

1 goes on.

2 MR. GALVIN: You have to ask for it now
3 or else you're going to have to come back.

4 We had somebody come in here and said,
5 "I'm going to do tea, nothing but tea."

6 And we all said, "Oh, that's no good."
7 (Laughter)

8 He had to come back three months
9 later --

10 MR. HIPOLIT: He wanted biscuits now.

11 MR. GALVIN: -- and he found out that
12 tea didn't work just all by itself.

13 VICE CHAIR MAGALETTA: You're not doing
14 baking, right?

15 MR. SZCZESNY: No.

16 COMMISSIONER PEENE: I just have a
17 question for the Board and the professionals.

18 Would we treat this as the same way
19 that we would treat a coffee shop that sells other
20 retail products?

21 MR. GALVIN: Well, let me stop you a
22 second. I have to look to Dave.

23 The one thing we have to understand is
24 our authority is limited. The second we start
25 trying to interpret --

1 COMMISSIONER PEENE: That's what I'm
2 trying to contextualize.

3 MR. GALVIN: -- what restaurant means,
4 we don't get to do it, the Zoning Board has to do
5 it, okay?

6 So it has to be clear to Dave that it
7 is something that falls into the zone.

8 MR. ROBERTS: Yes. And right now we're
9 not sure we have enough information to figure that
10 out. That is what we are trying to get to.

11 MR. GALVIN: I just wanted to say here,
12 too, because we are trying to help you, we might be
13 going too far --

14 CHAIRMAN HOLTZMAN: Right, right.
15 Believe it or not, we are actually trying to help
16 you, so just be patient here.

17 (Laughter)

18 MR. GALVIN: Right. But this group
19 doesn't decide the case. Our job is to figure out
20 whether or not you met the required checklist items
21 and to deem you complete or incomplete, but we are
22 trying to give you a little extra insight, so that's
23 all I'm saying.

24 MR. ROBERTS: Right.

25 Before I get too much further, the

1 basement, because, again, we don't have -- we have a
2 picture. We know what the outside of the building
3 looks like.

4 MR. SZCZESNY: Sure.

5 MR. ROBERTS: In order for the basement
6 to be able to be used for anything, the basement can
7 be used as part of your use as long as it is a
8 basement, which means that more than half of the
9 area is above grade.

10 If more than half of the area is below
11 grade, it is a cellar, which can only be used for
12 storage, and then --

13 MR. SZCZESNY: Okay.

14 MR. GALVIN: And we don't know that
15 right now based on the drawings --

16 MR. ROBERTS: That's right.

17 MR. GALVIN: -- so we need updated
18 drawings that could show us whether it is a cellar
19 or a basement.

20 CHAIRMAN HOLTZMAN: Normally something
21 like the survey would also have shown that as
22 well --

23 MR. SZCZESNY: I see.

24 CHAIRMAN HOLTZMAN: -- so we are trying
25 to also make it so that you don't have too high of a

1 lift here and have to go out and get a survey done,
2 if perhaps the landlord has one, or perhaps the
3 architect can provide us with sufficient info on the
4 drawings, then you don't have to jump through that
5 hoop.

6 MR. HIPOLIT: Does your basement --
7 have you been in the building?

8 MR. SZCZESNY: I have some pictures,
9 yes.

10 MR. HIPOLIT: We can't see the back of
11 the building, but now we could.

12 Do you have pictures of the back?

13 MR. SZCZESNY: I do.

14 MR. GALVIN: You don't have to share
15 those with the Board. You guys need them for what
16 you're doing.

17 CHAIRMAN HOLTZMAN: So you guys need to
18 exchange contact information, so he can get you
19 these additional photos.

20 MR. SZCZESNY: I can send these over to
21 you. This is just -- I am looking for the one in
22 the basement. I have a couple ground photos here --

23 MR. HIPOLIT: The front we know.

24 We are really interested in what the
25 basement and the back of the building is, because

1 8th Street comes down pretty steep, but it is a very
2 small building.

3 MR. SZCZESNY: I am going to have to
4 get back to you on those pictures. I have one photo
5 of the top left --

6 VICE CHAIR MAGALETTA: Well, that is
7 fine. What else do we need --

8 MR. SZCZESNY: -- here is an example of
9 one part of the basement. Again, it doesn't really
10 show much. The basement isn't very large. I would
11 say it's probably about 700 square feet. It is
12 really the only one I have.

13 CHAIRMAN HOLTZMAN: Sir, why don't you
14 come on up here and tell us who you are for the
15 record?

16 MR. ELALEM: Good evening.

17 My first name is Mo, M-o. My last name
18 is E-l-a, echo, luna, alpha, l-e-m, lima, echo,
19 Mike, E-l-a-l-e-m.

20 I just wanted to also include that part
21 of the basement leads up into a backyard area that
22 is elevated with an open yard that has a garden area
23 with a brand new gated --

24 MR. HIPOLIT: So the basement walks up
25 to the backyard?

1 MR. ELALEM: You walk down into the
2 basement, and then towards the front it is
3 essentially underground in the front, where it is
4 street level on Washington. You can look up --

5 MR. HIPOLIT: So let's go to the back.
6 What is in the back?

7 MR. ELALEM: You are not walking up
8 towards the back, but you're walking straight
9 towards the back, yeah, the wall area --

10 MR. HIPOLIT: So how do I get out?

11 MR. ELALEM: You open the door and take
12 a nice big step forward, and you are into a nice
13 little garden area.

14 MR. HIPOLIT: So it's a walk-out
15 basement in the back?

16 MR. ELALEM: Yes.

17 MR. ROBERTS: So it's probably a
18 basement.

19 MR. HIPOLIT: It is probably a
20 basement.

21 CHAIRMAN HOLTZMAN: So we're probably
22 good, see?

23 MR. GALVIN: But we have to confirm it.

24 MR. HIPOLIT: You have to confirm that
25 with some pictures and stuff.

1 MR. SZCZESNY: In order to confirm and
2 help clarify, I can speak to my architect about the
3 particular measurements.

4 Do you guys know exactly what those
5 measurements are?

6 MR. ROBERTS: It's just that more than
7 half of the floor-to-ceiling height needs to be
8 above grade, as opposed to below grade.

9 MR. SZCZESNY: Got it.

10 CHAIRMAN HOLTZMAN: Also some pictures
11 from the backyard looking at the back of the
12 building to these guys would be probably helpful.

13 MR. ROBERTS: It sounds to me the way
14 you described the use, that it is retail. It is not
15 a restaurant.

16 COMMISSIONER PEENE: It was a bake
17 shop, I believe.

18 VICE CHAIR MAGALETTA: E-cigarettes.

19 COMMISSIONER PEENE: E-cigarettes.

20 MR. ROBERTS: So effectively the main
21 change that is happening sounds like it's the
22 processing of whatever you are doing in the
23 basement, where you are selling it up top, so --

24 MR. SZCZESNY: Yeah. I think the
25 challenge for me is to implement a fridge, you know,

1 a three compartment sink, whether or not you need a
2 hand washing sink for the employees upstairs, those
3 are just some basic things that I need to visualize
4 and place.

5 MR. HIPOLIT: They have to be on your
6 drawings, though.

7 So when you go to your drawing, this
8 drawing, it needs to be more complete.

9 So what your architect has is he has
10 your unit on here, and how does it tie into the rest
11 of the building, where is everything going to go.

12 Let's say you sell granola bars. Where
13 are your granola bars --

14 MR. ROBERTS: You have to have a
15 labeling of the space.

16 MR. SZCZESNY: Sure.

17 MR. HIPOLIT: -- where are your racks
18 going to go --

19 MR. SZCZESNY: There is an open
20 merchandise area on the -- if you walk into the
21 front, on the right-hand side, it is the open
22 merchandise with the teas --

23 MR. HIPOLIT: Everything is there. So
24 if you sold granola bars, where are they?

25 MR. SZCZESNY: Like I said, granola

1 bars were not in the conversation prior, but the
2 granola bars would be in the back behind the counter
3 or in front of the counter.

4 MR. HIPOLIT: So I think you should tie
5 that together. If you think you may do it, now is
6 your chance to do it, because you will end up coming
7 back here spending more application money, more time
8 and more effort to do it all over again,
9 so I think you need to think it out a little better.

10 You need on your basement to show where
11 you go, how you get out, that it is walk-out, you
12 know, and it is not a cellar now. It would be a
13 basement plan, so that's very important, and
14 anything else you have to post whether --

15 CHAIRMAN HOLTZMAN: Okay.

16 MR. HIPOLIT: -- right across the
17 board.

18 If I am in a wheelchair, how can I get
19 in, where do I go?

20 Is the bathroom accessible?

21 That is the stuff that your architect
22 has to show us.

23 MR. ROBERTS: Normally in a drawing
24 like this, this is your customer floor area --

25 MR. SZCZESNY: Correct.

1 MR. ROBERTS: -- so this is the part
2 that we are mostly concerned about --

3 MR. SZCZESNY: Okay.

4 MR. ROBERTS: -- but normally you will
5 see what they call string dimensions, where you can
6 see that the actual -- this is shown at quarter
7 scale, but these plans were produced, and then you
8 would normally say 736 square feet, you would show
9 that right on the plan, because this plan becomes
10 part of the approval, which means the zoning officer
11 is going to look at this, you know, and anybody else
12 from the city, so that is basic information that
13 should be on the floor plan.

14 MR. SZCZESNY: Understood.

15 MR. HIPOLIT: There also needs to be a
16 street on here, so on your plan we should see the
17 street line, the curb line, the sidewalk, if there
18 are any trees there, or what is in front of your
19 building. It is your responsibility to show that.

20 MR. SZCZESNY: Okay.

21 CHAIRMAN HOLTZMAN: Right.

22 So when you come back for the hearing,
23 which that is perhaps eventually when you come back
24 for the hearing, I think you need to understand that
25 you have a team of nine people up here, and you need

1 to come with some visuals, which are really helpful,
2 so that everybody can get kind of get a gist of what
3 this is.

4 There is a tiny little front elevation
5 drawing, you know. I would hope that the architect
6 has more than that.

7 If it is being repainted or
8 refurbished, I know that you have to go for Historic
9 Preservation review.

10 So in addition to meeting the feedback
11 from the Historic Preservation Commission, we kind
12 of need to know what is it that you are going to be
13 doing as your final plan there, so that you have to
14 be able to sell this job to the team.

15 Most people don't come in and do that
16 by themselves, like you are doing here tonight, and
17 we are trying to help with you with a crutch or two,
18 so you should really think about having the
19 attorney, having the architect, and making sure that
20 this thing is polished up.

21 MR. SZCZESNY: Absolutely. I plan on
22 bringing them to the actual meeting.

23 MR. GALVIN: You may have to bring one
24 of them back the next time we have an SSP meeting
25 unless they say it is all clear between here and

1 there.

2 CHAIRMAN HOLTZMAN: Right.

3 So how are you doing on that list,
4 Dave?

5 Do you have other things we want to
6 highlight?

7 MR. ROBERTS: It should be a relatively
8 straightforward conditional use change from one
9 commercial use to another.

10 We just want to make sure, first of
11 all, whether it was a restaurant or not, because
12 that changes it from a regular bulk requirement to a
13 conditional use requirement.

14 It doesn't sound like it is a
15 restaurant, so now it is just a matter of making
16 sure if it's 736 square feet, then we are good on
17 the thousand, and we can certify to the Board that
18 they meet the three basic conditions, and then it's
19 just a matter of understanding the use, and I think
20 we will be okay, but I think we have some work to do
21 between now and the hearing.

22 I would be okay, you know, as long as
23 we get the information within ten days of the
24 hearing in November, I would be okay with it,
25 because this is a conditional use. They're not

1 building anything new or --

2 CHAIRMAN HOLTZMAN: I know.

3 Mr. Galvin, though, does make a good
4 point in terms of if you are thinking that you are
5 going to want to add additional food service, things
6 in the future, again, you don't want to have to go
7 through this process again, so most people try to
8 get this done, one and done.

9 So it is not up to us to tell you how
10 to do that, but it would probably be smart to think
11 about that now, but then that brings up: Are you
12 going to then have a kitchen, what kind of
13 exhausting it needs to be.

14 Maybe it is something that you just
15 want to say, you know, I will deal with that two
16 years down the line, and I'll come back and visit
17 you guys again.

18 MR. SZCZESNY: Okay.

19 MR. GALVIN: But at least if he asked
20 for prepackaged food, that makes sense. If granola
21 is prepackaged food, that makes sense. That is a
22 light lift.

23 MR. SZCZESNY: Yeah, yeah. I have no
24 intention of installing an exhaust or cooking any
25 food and using a microwave or any fire. I think a

1 lot of these places will require maybe a dehydrator,
2 and that might be something I'd like to use to
3 dehydrate, you know, kale or something or kale
4 chips. That is the primary use.

5 MR. HIPOLIT: Well, you need to show
6 that on the plans.

7 MR. SZCZESNY: Okay.

8 CHAIRMAN HOLTZMAN: Go ahead.

9 MR. SZCZESNY: I had one question.

10 CHAIRMAN HOLTZMAN: Sure.

11 MR. SZCZESNY: One of the items that --
12 I was actually approved at the Historic Commission
13 two weeks ago just for a logo on the window, and I
14 was inquiring about the billboard -- not the
15 billboard -- but the sign above the windows.

16 I know there should be pictures there,
17 but --

18 MR. ROBERTS: There is one on the
19 plan --

20 MR. SZCZESNY: I have one here.

21 CHAIRMAN HOLTZMAN: Right, and that
22 sign is illegal.

23 MR. SZCZESNY: In the checklist you
24 mentioned that that had to be removed. However, the
25 Historic Commission mentioned that --

1 CHAIRMAN HOLTZMAN: Oh, the one
2 vertically off the -- no, I am sorry, I was thinking
3 of something else. I'm sorry.

4 Take my comment back.

5 Go ahead.

6 MR. SZCZESNY: So my intention is to
7 leverage that, if possible, as well as the bulkhead
8 above the window, and I have a digital graphic
9 designer that is going to create a better picture
10 for you to understand what is going to be there.

11 MR. HIPOLIT: Do you want all three
12 signs on the building --

13 MR. GALVIN: That's from the old --

14 MR. SZCZESNY: Well, that is my
15 question. I didn't want to -- I know there is some
16 limitations on it. I think it is ten percent of the
17 overall window has to be less than ten percent.

18 I have a logo that is a small leaf-like
19 logo that I provided to the Historic Commission, and
20 they approved it. However, I understand that if I
21 use the window, I won't be able to use the bulkhead
22 and the sign. Is that correct?

23 CHAIRMAN HOLTZMAN: That is not our
24 call, but that comes into a zoning issue on the
25 signage. Also, I would think it has to do with

1 Historic Preservation in terms of, you know, very
2 often they like the idea of reusing one of these
3 older signs.

4 So did you guys discuss that with them
5 at that meeting?

6 MR. SZCZESNY: I did briefly. We
7 talked a lot, but I didn't know if I could use the
8 sign, so I wanted to just kind of get some insight
9 into whether or not it is possible.

10 I looked up the last company to use the
11 sign was Patina Realty back in the early '90s.
12 There was some great reviews on Yelp about how great
13 it looks, and the customers said it is great that,
14 you know, the town allowed them to use that sign, so
15 the feedback had been pretty positive.

16 CHAIRMAN HOLTZMAN: We would rather
17 apply the law as opposed to --

18 (Laughter)

19 MR. ROBERTS: Well, on your Sheet Z-1,
20 you show a sign elevation.

21 MR. SZCZESNY: Correct.

22 MR. ROBERTS: On the trees above the
23 store front window, so did the Historic Preservation
24 Commission approve that or something different?

25 MR. SZCZESNY: They approved the window

1 logo.

2 CHAIRMAN HOLTZMAN: So for the expanded
3 attempt at some signage, does he need to check in
4 with the zoning officer, or does he need to check
5 back in with Historic, or both?

6 MR. HIPOLIT: I think both.

7 MR. GALVIN: Well, when he submitted
8 his application, he should have also submitted for a
9 sign, which is a C variance, and he can ask as part
10 of this request, right?

11 CHAIRMAN HOLTZMAN: I would think that
12 Historic Preservation would like the idea of
13 re-using the old sign, but it's not our call.

14 MR. GALVIN: But they are advisory to
15 us, and if they said, yeah, we like the idea of
16 that, we can go with that, if we want to, but we
17 don't have to.

18 CHAIRMAN HOLTZMAN: Uh-huh.

19 MR. HIPOLIT: He should submit to
20 zoning --

21 MR. GALVIN: But you're still going to
22 have to -- you know, it probably is a good idea to
23 go to the Historic Commission and get their point.

24 Is this required to go to the Historic
25 Commission?

1 MR. ROBERTS: We would normally, in the
2 last couple of ones we have done, if they already
3 have their approval in hand or they have it by the
4 time of the hearing or --

5 CHAIRMAN HOLTZMAN: The problem is he
6 went, and he didn't ask for the whole enchilada,

7 MR. HIPOLIT: So he has to get zoning
8 approval and go back to Historic.

9 CHAIRMAN HOLTZMAN: The problem with
10 this situation is you keep asking for a little, and
11 then you have a better idea, but you didn't ask for
12 the better idea yet.

13 You have to go back and ask for the
14 better idea.

15 MR. HIPOLIT: Right.

16 Like it sounds to me you want to have
17 the vertical sign, the two plates above the window
18 and something in the glass --

19 MR. SZCZESNY: Just something small in
20 the glass.

21 MR. HIPOLIT: Right. You may have too
22 many signs.

23 CHAIRMAN HOLTZMAN: Well, our ordinance
24 is very specific about it, so it's --

25 MR. ROBERTS: Especially with the

1 projecting versus the wall mounted, it is either one
2 or the other.

3 MR. GALVIN: Well, I mean, the problem
4 is in other towns, a lot of times the zoning team,
5 the zoning officer will determine what variances are
6 required, but that is not really what we do here.

7 Our planners are deciding for
8 applications that come to us, so you are going to
9 have to go back and make an analysis -- if you are
10 making a sign request, which you weren't. Now you
11 got to make a sign request --

12 MR. ROBERTS: Yes. If it's something
13 where you need relief from this Board, then, you
14 know, what I would normally do is talk to the zoning
15 officer and make sure --

16 CHAIRMAN HOLTZMAN: Okay. So what does
17 he do? What's the next step here?

18 MR. ROBERTS: Well, I think he has to
19 make a decision whether or not you are happy with
20 just what you got approved by the Historic
21 Commission. That is probably where you should
22 start.

23 And then if you wanted something
24 different, you probably have to go back to them,
25 because then if they sign off on it, and the zoning

1 officer agrees that you need relief for part of
2 that, then you would come back and apply for that
3 relief --

4 MR. SZCZESNY: Okay.

5 MR. HIPOLIT: Draw up a sign plan, so
6 we know exactly what you are asking for.

7 CHAIRMAN HOLTZMAN: Should he go to the
8 zoning officer?

9 MR. HIPOLIT: You should submit it to
10 the zoning officer right away.

11 CHAIRMAN HOLTZMAN: Right.

12 MR. ROBERTS: Just so you know what
13 relief you need when you come back.

14 MR. ELALEM: On the amended drawings,
15 do you guys need them on a hard copy again or --

16 MR. HIPOLIT: Yes.

17 CHAIRMAN HOLTZMAN: Did he submit them
18 electronically as well?

19 MR. HIPOLIT: Yes.

20 MR. ROBERTS: I don't know if we
21 scanned them.

22 MS. CARCONE: We have both. He
23 submitted a hard copy and a digital.

24 CHAIRMAN HOLTZMAN: Okay.

25 Any other comments or questions

1 Commissioners?

2 COMMISSIONER PEENE: No.

3 COMMISSIONER MC KENZIE: No.

4 CHAIRMAN HOLTZMAN: What do you think,
5 Mr. Magaletta?

6 VICE CHAIR MAGALETTA: It sounds like
7 there's a little more that needs to be done before
8 it is ready for the full hearing.

9 CHAIRMAN HOLTZMAN: I would agree.

10 I don't want these guys to come to a
11 meeting and for it to go real wrong, because --

12 VICE CHAIR MAGALETTA: There's too many
13 moving parts right now, so why don't you button the
14 stuff up, resubmit everything, talk to these guys
15 about what they need --

16 CHAIRMAN HOLTZMAN: Talk to the zoning
17 officer.

18 VICE CHAIR MAGALETTA: -- and talk to
19 the zoning officer, and then you guys should be set.

20 CHAIRMAN HOLTZMAN: And then you will
21 circle back to us. Hopefully all of the parts will
22 be nailed down, and then we can bring you right to a
23 full Board hearing.

24 MR. SZCZESNY: Okay.

25 MR. GALVIN: Basement versus cellar,

1 you have to revise the plans to make that
2 determination.

3 Signage, what signs you are keeping and
4 what signs you are getting rid of, and then you need
5 advice on that. So you are going to have to amend
6 your request, so you can include these other
7 variances.

8 You have to go to the Historic
9 Commission and get them to look at the signs and see
10 if they like it or not.

11 If they do, it will help you. If they
12 don't like it, don't stop, come ask us anyway
13 because it is advisory, okay?

14 MR. SZCZESNY: Okay.

15 MR. GALVIN: But you want to get that
16 done before you come to the full Board. We don't
17 want you to come to us and then send you to the
18 Historic Commission after you see us.

19 MR. ROBERTS: So the Board members,
20 they're going to ask that question, has the Historic
21 Commission seen this, are they okay with it.

22 MR. GALVIN: So try to get into the
23 Historic Commission as soon as possible, okay?

24 And get your architect to call Mr.
25 Roberts.

1 CHAIRMAN HOLTZMAN: And he has some
2 additional photos it sounds like that might be
3 useful for you guys?

4 MR. HIPOLIT: Yes. With your
5 application, you should submit better photos of the
6 front of the building and the back.

7 MR. SZCZESNY: And the back, too, as
8 well. Okay.

9 MR. HIPOLIT: The inside is not as
10 important, because your inside is on the plan.

11 CHAIRMAN HOLTZMAN: One of the things
12 you both called out was a more detailed plan in
13 terms of how the space is going to work and things
14 like that, so --

15 MR. HIPOLIT: Right.

16 Give your architect our letters. Give
17 him our letters.

18 MR. SZCZESNY: Sure.

19 CHAIRMAN HOLTZMAN: Right. He will be
20 used to dealing with that.

21 MR. SZCZESNY: Okay.

22 CHAIRMAN HOLTZMAN: Okay. So we are
23 going to deem this one incomplete. Is that correct,
24 Commissioners?

25 COMMISSIONER PEENE: Correct.

1 COMMISSIONER MC KENZIE: Correct.

2 CHAIRMAN HOLTZMAN: And we will see you
3 guys back here next month.

4 MR. SZCZESNY: We really appreciate
5 your time.

6 Thank you. We appreciate it.

7 CHAIRMAN HOLTZMAN: So, you know, don't
8 get lost. Make sure that you get on the sort of
9 straightaway, because these guys then -- what we
10 don't want to have happen is you get these things
11 buttoned up a couple days before our meeting. They
12 need to have an opportunity to flush it out, give us
13 a report that says, yes, these guys are a hundred
14 percent, they have got it all together, so --

15 MR. SZCZESNY: Sure, understood.

16 CHAIRMAN HOLTZMAN: -- sooner rather
17 than later.

18 MR. SZCZESNY: Just one comment.

19 There was a Kong Fu Tea place that went
20 up, and you know, we got a sample that we were
21 advised to leverage, and the architect did the
22 sample and did exactly that.

23 The problem is the sample didn't have a
24 lot of the information that you guys are requesting,
25 like the square footage. That is why I think he

1 kind of just did the bare minimum of the sample.

2 I appreciate the time and everything.

3 Thank you so much.

4 CHAIRMAN HOLTZMAN: Okay. All right.

5 Thanks.

6 (The matter concluded)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 10/12/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
 Subdivision & Site Plan Review
 HOP-16-22

- - - - - X
 RE: 115-131 GRAND STREET : October 12, 2016
 Block 32, Lots 8-16 :
 APPLICANT: CHANTI 3, LLC : 7:30 p.m.
 Amendment to Approved Site Plan to :
 Move Location of Commercial Space :
 - - - - - X

Held At: 94 Washington Street
 Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
 Vice Chair Frank Magaletta
 Commissioner Caleb McKenzie
 Commissioner Ryan Peene

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
 Board Planner

Andrew R. Hipolit, PE, PP, CME
 Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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A P P E A R A N C E S:

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(732) 364-3011
Attorney for the Board.

ROBERT C. MATULE, ESQUIRE
Two Hudson Place (5th Floor)
Hoboken, New Jersey 07030
Attorney for the Applicant.

1 CHAIRMAN HOLTZMAN: Mr. Matule, who do
2 we want to do first, does it make a difference?

3 MR. MATULE: No. We are here and
4 ready.

5 CHAIRMAN HOLTZMAN: How about 115
6 Grand? Let's see how that goes.

7 MR. MATULE: All right.

8 So just by way of background, 115
9 Grand, it's actually 115-131 Grand. This was a
10 project that was approved a couple months ago to do
11 25 units, two retail spaces, and ground floor
12 parking.

13 Subsequent to receiving those
14 approvals, we were contacted by the owner of the
15 property next door, which is building this -- in the
16 process of being renovated to, I believe, a
17 one-family house.

18 The neighbor expressed some concern
19 about having the entrance to the retail space on the
20 south side of the building, because we had one on
21 the south side and one on the north side right next
22 to his front door, so to speak.

23 We met with him. We said we would take
24 a look at the plans, see if it could be reworked,
25 and come back to the Board and see what the Board's

1 pleasure was.

2 Mr. Minervini can go into more detail,
3 but the bottom line is we have now proposed to put
4 the two spaces alongside each other with sort of the
5 hope that we might get an end user who wants both
6 spaces as one large space, but we still would like
7 to have the flexibility. If it doesn't work out
8 that way, then we could treat them as two separate
9 spaces.

10 CHAIRMAN HOLTZMAN: I have here in my
11 notes we had one space 1,510, and one space 1,690
12 for 3200 square feet before.

13 MR. MATULE: Correct.

14 And we are now at --

15 CHAIRMAN HOLTZMAN: Yeah, I couldn't
16 find it either.

17 MR. MINERVINI: It is on Sheet Z-7.

18 CHAIRMAN HOLTZMAN: Okay.

19 MR. MINERVINI: 1690 for one, and 1510
20 for the other.

21 CHAIRMAN HOLTZMAN: Okay, so --

22 MR. MATULE: So 1690 and 15 -- it is in
23 number ten in the application, so it is
24 approximately the same total square footage. It's
25 just reconfigured a little bit.

1 CHAIRMAN HOLTZMAN: Let's not go with
2 approximate. What is it?

3 MR. MATULE: It is exactly 3,200 square
4 feet total.

5 CHAIRMAN HOLTZMAN: And it still is?
6 That's what it was before.

7 MR. MINERVINI: Yes, correct. It still
8 is.

9 CHAIRMAN HOLTZMAN: Okay. But they are
10 configured differently?

11 MR. MINERVINI: I have the small
12 drawing to refer to, but basically what we did, the
13 original plan had one commercial space here on the
14 south side and one commercial space on the north
15 side.

16 To accommodate the neighbor at 133, in
17 effect, we took the commercial space on the south
18 side and put it adjacent to the space on the north
19 side, and basically slid the parking down.

20 CHAIRMAN HOLTZMAN: Okay. So it wasn't
21 more complicated than that?

22 MR. MINERVINI: It was not very
23 complicated.

24 CHAIRMAN HOLTZMAN: Okay.

25 MR. MATULE: So, Mr. Minervini, did

1 you get Maser's reports?

2 MR. MINERVINI: Yes.

3 MR. MATULE: Can you just hit the
4 points?

5 MR. MINERVINI: Yes.

6 In terms of the architecture, we had a
7 note that was left over from the previous
8 application and we revised that.

9 On our end, it is mostly notes. All of
10 the things that were asked for, we can absolutely
11 revise, if they wanted new copies right away, or if
12 you were happy to keep these and make revisions post
13 approval, either way we can accommodate.

14 MR. HIPOLIT: As far as the engineering
15 letter is, you know, the change is somewhat minor
16 from an engineering perspective, because they slide
17 the space over, so I'd rather, if you were to hear
18 it and approve it, I would rather see all the
19 changes after approval.

20 CHAIRMAN HOLTZMAN: Okay.

21 MR. HIPOLIT: I don't need to see it
22 again.

23 CHAIRMAN HOLTZMAN: You don't need to
24 see an interim set of plans potentially?

25 MR. HIPOLIT: Do not. No, it is a

1 waste of time.

2 MR. ROBERTS: Mr. Chairman, as far as
3 our letter goes, we just noted there are a number of
4 things that from the completeness standpoint that
5 probably would be the same as they were as the last
6 application, so it was just shifting a use from one
7 side of the building to the other.

8 So we just basically said, you know, we
9 are leaving it up to the applicant to let us know
10 whether there would be any change that would affect,
11 you know, the elevation certificate should be the
12 same, the survey should be the same. All of those
13 things really effectively, we could map over from
14 the prior application rather than have them submit
15 them again --

16 MR. HIPOLIT: It's just an amended
17 application, so --

18 MR. ROBERTS: -- so I guess that is a
19 question for the applicant, because if they are all
20 still applicable and accurate --

21 CHAIRMAN HOLTZMAN: They can just
22 respond to your letter, Dave, right?

23 MR. ROBERTS: Yes. It is in the
24 letter. We would be fine.

25 CHAIRMAN HOLTZMAN: It's just sort of

1 like putting it on the record that all of that is
2 exactly the same.

3 VICE CHAIR MAGALETTA: Okay.

4 CHAIRMAN HOLTZMAN: Yeah. Nothing's
5 changing.

6 MR. ROBERTS: So from a completeness
7 standpoint, it has already been complete once, so
8 this is really just a change in the floor plan.

9 CHAIRMAN HOLTZMAN: And hopefully, this
10 is not habit forming for Mr. Minervini that we have
11 to see him twice on each one of his applications.

12 (Laughter)

13 MR. MINERVINI: Well, we were
14 accommodating the neighbor purely.

15 MR. MATULE: We also thought because of
16 the fact that simultaneously we are completing all
17 of the things we need to complete to come back for
18 final, like the sewer hookup permit and the CP-1 and
19 all of that other stuff, rather than --

20 MR. ROBERTS: Coming back.

21 MR. MATULE: -- coming back and asking
22 for amended preliminary and final, we thought it
23 would be cleaner to do this as a standalone
24 application, because we are not ready to come back
25 for final.

1 MR. ROBERTS: Oh, okay. I thought you
2 were going to say you were going to come back with
3 the final --

4 CHAIRMAN HOLTZMAN: So that is the
5 silver lining, huh?

6 (Laughter)

7 MR. MINERVINI: The property owner at
8 133 has offered to come to speak, if the Board
9 thinks it is worthwhile.

10 VICE CHAIR MAGALETTA: 133 or 113?

11 MR. MINERVINI: I'm sorry. It's 113.

12 CHAIRMAN HOLTZMAN: 113.

13 MR. MINERVINI: Yes.

14 We can have him here if --

15 CHAIRMAN HOLTZMAN: I think we should
16 keep him at home.

17 (Laughter)

18 MR. MINERVINI: Got it.

19 MR. HIPOLIT: I would leave him home.

20 MR. MINERVINI: Got it.

21 COMMISSIONER PEENE: Motion to deem
22 this application complete.

23 CHAIRMAN HOLTZMAN: Yes.

24 All in favor, aye?

25 VICE CHAIR MAGALETTA: Yes.

1 COMMISSIONER MC KENZIE: Yes.

2 COMMISSIONER PEENE: Yes.

3 MS. CARCONE: November 1st.

4 MR. MATULE: Madam Secretary, what is
5 the agenda like?

6 MS. CARCONE: Isn't that a TV show?

7 (Laughter)

8 November 1st.

9 CHAIRMAN HOLTZMAN: Madam Secretary,
10 that's pretty funny.

11 VICE CHAIR MAGALETTA: You just want to
12 know when it's going on you said?

13 MR. MATULE: Right.

14 November 1?

15 MS. CARCONE: November 1.

16 MR. MATULE: Okay. Wonderful.

17 CHAIRMAN HOLTZMAN: Thank you.

18 MR. MATULE: Thank you.

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: October 12, 2016
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-21

- - - - - X
 RE: 310 HUDSON STREET : October 12, 2016
 Block 214.01, Lot 30 :
 APPLICANT: 3 Ten Hudson, LLC : 7:45 p.m.
 Minor Site Plan Review for the :
 Expansion of an Existing Three-Story, :
 Two Residential Unit Dwelling into a :
 Four-Story, Three Residential Unit :
 Building :
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
 Vice Chair Frank Magaletta
 Commissioner Caleb McKenzie
 Commissioner Ryan Peene

A L S O P R E S E N T:

David Glynn Roberts, AICP/PP, LLA, RLA
 Board Planner

Andrew R. Hipolit, PE, PP, CME
 Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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Attorney for the Board.

ROBERT C. MATULE, ESQUIRE
Two Hudson Place (5th Floor)
Hoboken, New Jersey 07030
Attorney for the Applicant.

1 CHAIRMAN HOLTZMAN: Now we are on to
2 310 Hudson.

3 MR. MATULE: Yes.

4 This is an application for minor site
5 plan approval, renovation of an existing building, a
6 residential building at 310 Hudson. Because it is
7 increasing from two units to three units, it
8 triggered minor site plan approval requiring a visit
9 to the Planning Board, and I guess Mr. Minervini can
10 address the issues.

11 I understand it was at the Historic
12 Commission last week or --

13 MR. MINERVINI: Two weeks ago.

14 MR. MATULE: -- two weeks ago.

15 They requested some modifications,
16 which are going to be resubmitted to them for the
17 November --

18 MR. MINERVINI: November 7th.

19 MR. MATULE: -- November 7th meeting.

20 CHAIRMAN HOLTZMAN: Okay.

21 MR. MATULE: So, Frank, why don't
22 you --

23 CHAIRMAN HOLTZMAN: Are you in receipt
24 of the review letters from the professionals?

25 MR. MINERVINI: Yes.

1 CHAIRMAN HOLTZMAN: Yes.

2 MR. MINERVINI: Some of the questions
3 certainly with Dave's were related to the fire
4 escapes.

5 MR. ROBERTS: The fire escapes.

6 MR. MINERVINI: Just to back up for a
7 second, the biggest problem that the Historic
8 Commission had was our interpretation that once we
9 increased from two to three, it had to be completely
10 ADA compliant.

11 With that we need a ground floor entry,
12 so that changed the facade --

13 MR. HIPOLIT: Are you sure about that?

14 MR. MINERVINI: We were pretty sure.

15 (Laughter)

16 MR. MATULE: Let him finish the story.

17 MR. MINERVINI: We were being cautious,
18 and since then we had a discussion with the
19 construction code official, who has come to the
20 conclusion that given the amount of the renovation
21 we are doing, we don't have to, so that is why we
22 are very confident November 7th we can get through
23 the Historic Commission because, again, the biggest
24 problem was this new entry we were adding, so we are
25 very confident it will get through.

1 MR. MATULE: I think that also
2 addressed the question Mr. Roberts raised --

3 MR. MINERVINI: Yes.

4 MR. MATULE: -- of why couldn't we go
5 in under the stairway --

6 MR. MINERVINI: Oh, that was the reason
7 for it, and the revised plans will show us going
8 underneath the stairway.

9 MR. ROBERTS: From the rear though,
10 Frank, it was a little hard to tell from the
11 drawings. It looked like it was projecting out a
12 lot more than three feet --

13 MR. MINERVINI: It is four feet two,
14 which is the current standard for a fire escape.

15 MR. ROBERTS: Yes.

16 The thing that makes it complicated is
17 that the fire escape in one part of the code is
18 exempt from the coverage requirement, but we also
19 have the rear yard setback issue with this
20 projection in the back, and it was hard to tell
21 whether it was really a fire escape or whether it
22 was a landing that had stairs that was used for a
23 fire escape, so that is --

24 CHAIRMAN HOLTZMAN: I thought we were
25 also asking for the overhead shadow drawing.

1 I looked through the set and I didn't
2 see it.

3 MR. MINERVINI: Overhead shadow
4 drawing --

5 CHAIRMAN HOLTZMAN: For a lot coverage
6 type of issue, because the rear deck, fire escape
7 protrusion would certainly be included in the lot
8 coverage.

9 MR. MINERVINI: Yeah, I will. Sorry, I
10 didn't do that in the first place.

11 Our thought was that really what we are
12 doing is extending the fire escape existing.

13 If you look at Sheet Z-8, the existing
14 fire escape is shown here.

15 We are adding a floor, so we didn't
16 think it was as simple, and it is not as simple as
17 just adding a fire escape here with the additional
18 floor, so the thought was let's pull it off and give
19 roughly the same square footage in the footprint,
20 but I understand --

21 CHAIRMAN HOLTZMAN: And also, you are
22 not just adding an additional access to an
23 additional floor on the fire escape. You are
24 obviously changing the entire size of the whole
25 thing as well, that it now goes across the back of

1 the building.

2 MR. MINERVINI: Yes.

3 We are required to do that because
4 every bedroom currently has to have access to a fire
5 escape. So if you have two bedrooms on the back of
6 the building, this design as existing didn't work,
7 so we expanded in width.

8 CHAIRMAN HOLTZMAN: What is the logic?
9 Is it expense in terms of a fire escape versus a
10 sprinkler system for life safety?

11 MR. MINERVINI: You need both in this
12 case.

13 CHAIRMAN HOLTZMAN: You need both?

14 MR. MINERVINI: Yes. Three units or
15 more always, we will need a second means of egress.

16 On an existing building, we can have a
17 fire escape outside of the building.

18 New construction has to be the stairs
19 within the building.

20 At this height we have to have a
21 sprinkler as well. At five stories, the building
22 has to be sprinklered, so in this case you will have
23 a functioning fire escape on the outside of the
24 building, as well as fully suppressed.

25 CHAIRMAN HOLTZMAN: Even with the full

1 suppression, it still requires this additional fire
2 escape?

3 MR. MINERVINI: Absolutely.

4 CHAIRMAN HOLTZMAN: Is it because it
5 doesn't have the secondary stair?

6 MR. MINERVINI: Within the unit --
7 within the building, correct.

8 If there were two independent stairs
9 within the building --

10 CHAIRMAN HOLTZMAN: Then that would be
11 okay.

12 MR. MINERVINI: Correct.

13 CHAIRMAN HOLTZMAN: It's the secondary
14 internal stair --

15 MR. MINERVINI: Exactly.

16 CHAIRMAN HOLTZMAN: -- that we are
17 missing in this case?

18 MR. MINERVINI: Yes.

19 CHAIRMAN HOLTZMAN: Right.

20 Which you can't then reconfigure the
21 building and add that. It would be ridiculous.

22 MR. MINERVINI: Correct.

23 MR. HIPOLIT: The ADA is four units, so
24 you are in Section 233. If you have four or more
25 units, you have to be compliant fully in accordance

1 with what they are saying is fully, and if you're
2 under that, you don't have to.

3 MR. MINERVINI: Which is the conclusion
4 we came to with the construction code official,
5 which will make our life much easier in terms of the
6 structure of the building. We don't have to add a
7 large elevator, and we don't have to change the
8 entry, so we are pretty happy -- pretty sure that
9 the Historic Commission will be happy with that as
10 well.

11 CHAIRMAN HOLTZMAN: Okay.

12 So there is also a preexisting wall
13 that backs up onto Court Street?

14 MR. MINERVINI: Yes.

15 CHAIRMAN HOLTZMAN: And I know we don't
16 usually allow walls and fences above six feet, so
17 that is obviously a lot higher than six feet.

18 MR. MINERVINI: We can agree to cut
19 that wall down.

20 CHAIRMAN HOLTZMAN: I am asking the
21 question.

22 I saw the picture of it. I know the
23 property, and obviously that's what, a ten foot high
24 wall probably?

25 MR. MINERVINI: Yes.

1 MR. HIPOLIT: I don't know if you --

2 CHAIRMAN HOLTZMAN: I'm sorry. What
3 was that?

4 MR. HIPOLIT: -- I don't know if you're
5 required to cut it down, because it is existing.

6 CHAIRMAN HOLTZMAN: I am asking the
7 question whether it does or doesn't.

8 I know we have a six foot rule on
9 fences.

10 MR. MINERVINI: We were just discussing
11 with the client, we will happily, whether we have to
12 or not, we will bring it down to six feet.

13 CHAIRMAN HOLTZMAN: Are you using the
14 existing wall that is there or are you going to redo
15 it?

16 MR. MINERVINI: That is the plan, yes.

17 MR. ROBERTS: Because there is a door
18 in it.

19 MR. HIPOLIT: The Board can make
20 whatever decision you want, but it is an existing
21 wall that connects the buildings. I don't believe
22 there is a requirement to cut it down unless if they
23 are going to touch it and do something to it, then I
24 think they would have to cut it down.

25 If they are just going to leave it,

1 they can leave it. They can volunteer to cut it
2 down --

3 MR. GALVIN: What's that? Say that
4 again.

5 MR. HIPOLIT: So I think if they were
6 going to modify the wall and do something to it,
7 whatever it may be, then they should be compliant.
8 But they are not proposing to do anything to it.

9 MR. GALVIN: No, I don't agree with
10 that.

11 MR. HIPOLIT: It is existing.

12 MR. GALVIN: It doesn't matter.

13 VICE CHAIR MAGALETTA: It's just --

14 MR. GALVIN: Just because something --

15 CHAIRMAN HOLTZMAN: One at a time,
16 guys.

17 MR. GALVIN: There is variances
18 involved here?

19 MR. MATULE: No.

20 MR. MINERVINI: No variances?

21 MR. MATULE: No variances.

22 MR. GALVIN: But this is a preexisting
23 nonconforming wall.

24 MR. HIPOLIT: It's been there a long
25 time.

1 How long do you think it's been there
2 for? Like forever, right?

3 MR. MINERVINI: It's certainly older
4 than I am --

5 MR. GALVIN: See, here is the theory,
6 just so everybody understands.

7 If you have a preexisting nonconforming
8 use or structure, it has a right to continue
9 indefinitely. But if you read the case law, the
10 goal is to try to eliminate nonconforming uses and
11 structures whenever possible --

12 CHAIRMAN HOLTZMAN: Whenever possible.

13 MR. GALVIN: -- so when you come in and
14 ask for relief, it is in jeopardy.

15 MR. HIPOLIT: But they are not asking
16 for relief.

17 MR. GALVIN: It doesn't matter --

18 CHAIRMAN HOLTZMAN: On the other hand,
19 the architect has already offered that they would be
20 happy to take it to six feet, so maybe we shouldn't
21 look the gift horse in the mouth.

22 MR. GALVIN: And it is up to the Board
23 to decide at the time of the hearing.

24 CHAIRMAN HOLTZMAN: Or for them to
25 change their plan and modify it, and then that

1 discussion doesn't even have to take place.

2 MR. GALVIN: But I think we have to
3 notice for that variance, even though it's a
4 preexisting condition --

5 MR. MINERVINI: If we cut it down,
6 there's no notice required.

7 MR. GALVIN: Then you would be
8 completely compliant --

9 CHAIRMAN HOLTZMAN: Then you made it go
10 away.

11 MR. GALVIN: -- yes, sorry. Unless it
12 is a significant Hoboken feature that we have to
13 preserve.

14 MR. MINERVINI: It is not.

15 MR. GALVIN: Okay.

16 (Laughter)

17 CHAIRMAN HOLTZMAN: It is concrete red
18 wall.

19 MR. MATULE: There is a picture in Mr.
20 Roberts's report.

21 VICE CHAIR MAGALETTA: It's
22 unremarkable.

23 MR. MATULE: I think that's a very good
24 way to put it.

25 MR. GALVIN: Not everything qualifies

1 for the Hoboken look, as they say.

2 CHAIRMAN HOLTZMAN: Which I was going
3 to ask, and it's more for the hearing thing, but it
4 did not show on the plan that there was any
5 intention to or plan to deal with the wall.

6 It sounds like now, so that you don't
7 have to open this up, that you are going to bring
8 the wall down, it sounds like that is your decision
9 that you guys are going to make on your own, at
10 which point are we going to do anything to redress
11 the wall?

12 MR. MINERVINI: Yes, understood.

13 We will have a drawing to reflect
14 that --

15 CHAIRMAN HOLTZMAN: So let's make sure
16 we update, you know --

17 MR. ROBERTS: Yeah.

18 I guess the issue with the fire escape
19 is, because they're really putting -- I mean,
20 correct me if I am wrong, the way I read it, they
21 are bringing the wall out to the point where it is
22 at 60 percent coverage --

23 MR. MINERVINI: Yes.

24 MR. ROBERTS: -- with the footprint of
25 the building.

1 So the fire escape now is projecting
2 out beyond the building.

3 Normally when we have access stairs to
4 units in the rear yard, as long as they are three
5 feet or less, they don't count towards the coverage.
6 We don't include those in the coverage.

7 But the fire escape, my understanding
8 is the code exempts fire escapes from lot coverage,
9 so we have to make sure either it's a fire escape or
10 it's a rear access door that's three feet or less --

11 MR. MINERVINI: Understood.

12 What is different about this relative
13 to the standard, the fire escape we always see is
14 that we continue a run of stairs from the second
15 floor down to the backyard level.

16 Often there will be a counter balance
17 ladder that will take you down. In this case it
18 works given the plan, it was on the back of the
19 wall, to have one flight down. We thought it was
20 safer. That is the only difference --

21 CHAIRMAN HOLTZMAN: What about the
22 decking material for the fire escape?

23 MR. MINERVINI: It will be just a
24 simple metal as any other fire escape.

25 CHAIRMAN HOLTZMAN: Here is the thing:

1 We all remember when rewinding the clock, back
2 access fire escapes seem to grow to six to eight
3 feet wide and have multiple stairs and became
4 significant outdoor living spaces, when under the
5 guise of being fire escapes, and it was like a wink,
6 wink, and nobody ever -- for many years, it was
7 not -- it was looked the other way. It was not
8 enforced.

9 So I am sure the team is going to want
10 to have a conversation about that, so I think you
11 need to be prepared with what this fire escape
12 really is, and what its construction really is, and
13 it is not, you know, diamond plate metal decking, so
14 I can set up a grill out there and everything. A
15 fire escape is really a fire escape for emergency
16 access only.

17 MR. MINERVINI: Yes.

18 And I think we can help prove that
19 point by making a revision to what we got already
20 designed.

21 Right now we got the fire escape going
22 to the edge of all of the windows within the
23 bedrooms. We can bring it into the first window
24 within each bedroom, so that the side landing is the
25 minimum it can be, so there is no room for a chair

1 or a table. It is purely a fire escape. I think
2 that will go a long way to alleviate that concern.

3 MR. ROBERTS: And then, you know,
4 something Frank said, these are only accessible from
5 the windows.

6 MR. MINERVINI: Correct.

7 CHAIRMAN HOLTZMAN: Right. So that is
8 a good thing to point out. That will be a good
9 thing to point out in testimony. There's not a door
10 or anything that goes out to it.

11 MR. MATULE: No sliders.

12 MR. HIPOLIT: Planters.

13 MR. ROBERTS: I mean, my main concern
14 is to make sure, you know, we don't have any lot
15 coverage --

16 MR. MINERVINI: Understood.

17 MR. ROBERTS: -- I don't think Frank
18 wants to worry about that either.

19 CHAIRMAN HOLTZMAN: Right, right,
20 right. We don't want to have that discussion.
21 That's right.

22 MR. MATULE: And we have sufficient
23 rear yard depth, so it is not -- it's projecting
24 into the rear yard, but it's not creating a variance
25 condition.

1 MR. ROBERTS: That was really it for
2 me, Mr. Chairman.

3 CHAIRMAN HOLTZMAN: I saw the rear yard
4 is obviously being completely redone and everything.

5 I didn't see it. It is a little tough
6 to see on our plans that we have here as well, but
7 is there a detention tank or stormwater detention?

8 I know in Andy's letter, there was
9 stormwater calcs he was looking for. Can you
10 address those issues --

11 MR. MINERVINI: Yes.

12 CHAIRMAN HOLTZMAN: -- and where they
13 are in terms of completion?

14 MR. MATULE: Do we have them?

15 MR. MINERVINI: No.

16 CHAIRMAN HOLTZMAN: Also, Dave had in
17 his letter I think the issue about the trees, the
18 tree in front, or was it in Andy's letter?

19 I think there is an existing tree.

20 MR. HIPOLIT: Yup.

21 CHAIRMAN HOLTZMAN: And I was wondering
22 also since you had such a large backyard, if there
23 was -- I was surprised to see that it seemed like
24 the plantings were very minimal. I don't know if
25 there was an opportunity to put a tree back there.

1 I mean, Court Street has some really
2 big beautiful trees on it. If these guys are doing
3 a big job on it --

4 MR. MINERVINI: We will take another
5 look at it.

6 CHAIRMAN HOLTZMAN: -- maybe it is an
7 opportunity to get some trees in the backyard there.

8 And then there was some callouts about
9 garbage and recycling and some other things that
10 maybe just escapes you guys when you are doing the
11 drafting of stuff, but --

12 MR. MINERVINI: I will look at it.

13 CHAIRMAN HOLTZMAN: -- we certainly
14 want to make sure that it is, you know, sufficient
15 because you are increasing the usage and the amount
16 of people living in this building significantly.

17 MR. HIPOLIT: From an engineering
18 perspective, we just need your stormwater calcs --

19 MR. MINERVINI: Okay.

20 MR. HIPOLIT: -- so we need your calcs,
21 and then as far as your site, assuming it is
22 Hoboken, you have historic fill on the site,
23 anything that you have on a Phase I or any kind of
24 contamination that exists there to show it is
25 historic fill, that would be great.

1 I mean, the area that you are in is
2 indicative of historic fill, as we've seen in many
3 other applications.

4 MR. MATULE: We will find out if they
5 have a Phase I. If not, we'll get something.

6 MR. HIPOLIT: Most of the other stuff
7 is pretty much testimony.

8 We will need a property survey.

9 We should get letter from the Flood
10 Plain Manager, but it's not --

11 CHAIRMAN HOLTZMAN: We have it. I
12 think we received it.

13 MR. HIPOLIT: I don't think I have it.

14 COMMISSIONER PEENE: I don't think --

15 MR. HIPOLIT: Yes, I do have it.

16 CHAIRMAN HOLTZMAN: Yes, there was one.

17 MR. HIPOLIT: Yes, we have it.

18 CHAIRMAN HOLTZMAN: Uh-huh.

19 So from a stormwater issue that we
20 normally focus on when we are building new
21 buildings, right, here we have already a preexisting
22 foundation, and everything else that I imagine is
23 not being touched very much --

24 MR. MINERVINI: Right.

25 CHAIRMAN HOLTZMAN: -- but there will

1 be some stormwater management from the green roof
2 systems --

3 MR. HIPOLIT: And the backyard.

4 CHAIRMAN HOLTZMAN: -- and the
5 backyard --

6 MR. MINERVINI: Uh-huh.

7 CHAIRMAN HOLTZMAN: -- so I think that
8 would be really great to highlight in the testimony
9 as well, that that is going to be, you know, a
10 positive contribution to the neighborhood.

11 Gentlemen, the things that you are
12 looking for, do you think they are easy to square
13 up --

14 MR. HIPOLIT: Absolutely.

15 CHAIRMAN HOLTZMAN: -- or do they need
16 more time here or --

17 MR. HIPOLIT: I don't think so.

18 CHAIRMAN HOLTZMAN: Commissioners?

19 VICE CHAIR MAGALETTA: I am fine.

20 CHAIRMAN HOLTZMAN: You're good,
21 gentlemen?

22 COMMISSIONER PEENE: Fine.

23 COMMISSIONER MC KENZIE: Fine.

24 COMMISSIONER PEENE: Motion to deem it
25 complete.

1 CHAIRMAN HOLTZMAN: Yes.

2 All in favor, aye?

3 (All Board members answered in the
4 affirmative.)

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. MATULE: Thank you.

7 MS. CARCONE: I put that one for
8 November 1, too.

9 MR. MATULE: November 1?

10 MS. CARCONE: Yes.

11 MR. MINERVINI: We are not going to
12 have our Historic --

13 CHAIRMAN HOLTZMAN: I'm sorry. Go
14 ahead.

15 MR. MINERVINI: -- our Historic
16 approval comes November 7th.

17 CHAIRMAN HOLTZMAN: Okay.

18 MR. MINERVINI: If the Board is to see
19 it as a positive, and we get approved, it will be
20 conditioned upon approval at Historic?

21 MR. GALVIN: I would sure as heck like
22 to see them go to the Historic Commission first.

23 When is the next meeting after that?

24 MS. CARCONE: That's December.

25 MR. GALVIN: Are you going to give us

1 time for that?

2 If we deem it complete, we have to hear
3 you in 45 days.

4 CHAIRMAN HOLTZMAN: Are you going to
5 Historic with options, or what's the story at this
6 point?

7 MR. MINERVINI: They always want
8 options, so it comes mostly options in colors, the
9 majority --

10 CHAIRMAN HOLTZMAN: But this whole
11 access issue seems to have changed everything.

12 MR. MINERVINI: Yes.

13 MR. GALVIN: Just as a general rule,
14 just for all of us, it is aggravating if you go to
15 the Historic Commission second.

16 MR. MINERVINI: It's aggravating,
17 period.

18 (Laughter)

19 CHAIRMAN HOLTZMAN: Strike that from
20 the record.

21 (Laughter)

22 MR. GALVIN: We should know what they
23 want. They are advisory to us. We should have that
24 information before we rule on you. It's not the way
25 it works in Hoboken, but that is the way it's

1 supposed to work, so --

2 MR. MATULE: Well, what my suggestion
3 was --

4 MR. GALVIN: We could have not deemed
5 you complete.

6 MR. MATULE: -- my understanding is Mr.
7 Minervini knows exactly what Historic wants --

8 CHAIRMAN HOLTZMAN: Or so he thinks.

9 MR. MATULE: -- and the fact that we
10 don't have to comply with the ADA issues will allow
11 him to give them exactly what they want in terms of
12 the height of the windows, eliminating that door
13 opening on the left side of the building.

14 So the only thing that could possibly
15 be an open question I would think is, you know,
16 whether they like the color of the brick we are
17 proposing, which I am assuming would match the rest
18 of it --

19 CHAIRMAN HOLTZMAN: So here's what I'm
20 going to suggest. If that's the case, my
21 inclination is to agree with Dennis on this, in that
22 I would like us to do the right thing, which is to
23 make sure we have their opinion before we make ours.

24 On the other hand, if you guys think
25 that you are pretty sure you know where this is

1 going to go, since you have already visited with
2 them, if the plan doesn't change except for the
3 potential of a color --

4 MR. GALVIN: And if you don't care
5 about the color.

6 MR. MINERVINI: Well -- go ahead.

7 CHAIRMAN HOLTZMAN: -- if they plan
8 that they are going to -- he is going to make a
9 revised plan. He is going to make the revised plan
10 to Historic, and then he's going to have the same
11 set of plans for us. If there are any design
12 changes whatsoever, then I think we have to say to
13 you, we will see you when you get it buttoned up.

14 But if it only amounts to the color of
15 a door, I would be okay with saying we could slot
16 them in, but I am not sure.

17 VICE CHAIR MAGALETTA: Well, I think it
18 is speculative.

19 The question I have for you is: The
20 difference is three weeks. What kind of prejudice
21 are you going to suffer in those three weeks, if you
22 get heard in December, rather than November?
23 There's three weeks difference. I would rather do
24 it chronologically this way.

25 CHAIRMAN HOLTZMAN: I would, too. I

1 would like to do it the right way.

2 VICE CHAIR MAGALETTA: But, yeah, is it
3 that big of a deal is what I am trying to find out.

4 MR. MATULE: We will find out.

5 The other thing I was going to also
6 suggest is: Even if you did approve it in November,
7 we have to come back in December for the resolution,
8 we could make adopting the resolution subject to,
9 but let's see what the client wants.

10 MR. MINERVINI: The client wants it
11 done right away. There's a lot on the line. They
12 own the property, and they're paying a mortgage on
13 it and all of those things, and the quicker for them
14 is certainly better for you to decide, of course --

15 MR. GALVIN: But -- okay.

16 I mean, if you don't get what you need
17 at the Historic Commission, and we make a ruling,
18 you may have to come back to us and that could cost
19 you a lot more time.

20 CHAIRMAN HOLTZMAN: I am inclined to
21 think that waiting the three weeks for them in the
22 long run may pay dividends.

23 MR. MATULE: When is the December
24 meeting, Pat?

25 MS. CARCONE: December 6th.

1 MR. MATULE: December 5th?

2 MS. CARCONE: December 6th.

3 MR. MATULE: 6th.

4 CHAIRMAN HOLTZMAN: I would support a
5 motion to deem it complete, but to hear it after
6 Historic review.

7 MR. GALVIN: Then how many meetings are
8 we going to have in December?

9 MS. CARCONE: Right now we have one
10 scheduled.

11 CHAIRMAN HOLTZMAN: We may end up
12 having a special meeting.

13 MS. CARCONE: A special work session or
14 a special meeting?

15 CHAIRMAN HOLTZMAN: Both.

16 COMMISSIONER PEENE: We have the 6th
17 and the 14th so far.

18 MR. MINERVINI: I have a question.

19 The changes have to be made for the
20 Historic Commission, which aren't reflected on the
21 drawings you have.

22 We should, since we are getting into
23 December, we will resubmit the drawings to this
24 Board showing the revisions that the Historic Board
25 approved.

1 MR. GALVIN: But you will still be
2 complete.

3 MR. MINERVINI: Okay.

4 MR. MATULE: We consent to the time
5 within which the Board has to act until December
6 6th.

7 CHAIRMAN HOLTZMAN: Great.

8 Thank you.

9 MR. GALVIN: If we have another
10 meeting, I can do something with the resolution. I
11 don't normally do that, but I appreciate you guys
12 cooperating.

13 I want to get it normal though. From
14 here on, I want to get that Historic Commission --

15 UNIDENTIFIED VOICE: We are going to do
16 a collection after that meeting to help out with the
17 mortgage.

18 (Laughter)

19 MR. MATULE: I think, quite frankly --

20 CHAIRMAN HOLTZMAN: You better strike
21 that from the record also.

22 (Everyone talking at once)

23 MR. GALVIN: You are getting advice
24 that may wind up being much faster in the long run.
25 You don't know what things could go wrong.

1 MR. MATULE: It usually works out
2 because Historic is on a Monday, and then you guys
3 meet on a Tuesday, but your November meeting is
4 coming earlier this month, so that really threw a
5 wrench in the works.

6 CHAIRMAN HOLTZMAN: Okay.

7 MR. MATULE: Thank you very much.

8 CHAIRMAN HOLTZMAN: Thank you.

9 I think we are all set here.

10 Motion to close the meeting.

11 COMMISSIONER PEENE: Second.

12 CHAIRMAN HOLTZMAN: All in favor?

13 (All Board members answered in the
14 affirmative.)

15 (The meeting concluded at 8 p.m.)
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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 10/12/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.